



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE**  
**ANALYSIS AND DECISION OF THE DIRECTOR OF**  
**THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2300316  
**Applicant Name:** Julie LeDoux for Ed Gallaudet and William Buttigan  
**Address of Proposal:** 3703 West Barrett Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide two parcels of land into six parcels of land in a steep slope environmentally critical area (ECA). \*Proposed parcel sizes are: Parcel A) 5,563 sq. ft., Parcel B) 5,264 sq. ft., Parcel C) 6,147 sq. ft., D) 5,036 sq. ft., Parcel E) 5,151 sq. ft.; and Parcel F) 6,082 sq. ft. \*A single family residence on proposed Parcel F will remain and the single family residence located over proposed Parcels B, C and D will be removed.

\*The short plat received a limited exemption from the steep slope development standards as the slope is not more than 20 feet in height and is also not part of a larger steep slope system. The ECA Steep Slope development standards (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Areas) are waived. The ECA Submittal, General and Landslide-Hazard and other applicable development standards still apply for the project.

\*The western portion of the line between Parcels F and E has been altered by moving it slightly to the south to create a conforming rear yard area for the existing residence located on Parcel F. Parcel F will now contain 6,233 sq. ft. and Parcel E will contain 5,000 sq. ft. Proposed changes will be shown on the final survey prior to recording.

The following approvals are required:

**Short Subdivision** – to create six parcels of land.  
(Seattle Municipal Code Chapter 23.24)

**SEPA - Environmental Determination** in an Environmentally Critical Area.  
(Seattle Municipal Code Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction

## **BACKGROUND DATA**

### **Site Description**

The subject property is located in a Single Family Residential 5000 Zone (SF 5000) on the south side of west Barrett between 36<sup>th</sup> Avenue West and 38<sup>th</sup> Avenue West. The approximately 33,245 square foot proposal site has 110.25 lineal feet of frontage along West Barrett Street, its north property line, and approximately 40 lineal feet along West Fulton which dead ends on the west side of the property. A small portion of West Fulton Street, 24.64 lineal feet, also abuts the property on the east. A 16', one way alley (traffic may travel north but not south along the alley) is located on the west side of the proposal and will be used for access for proposed parcels B and E. West Fulton along the west side of the site is improved with curbs and sidewalks on the south and east (where Fulton dead ends) sides of the street. West Barrett along the north is improved with curbs and sidewalks. The street on the south east side of the site where West Fulton Street and Bishop Place West intersect the street is paved and developed with curbs and sidewalks. An existing rockery and vegetation are currently encroaching onto the sidewalk in this location.

The site slopes approximately ten feet from the property line at the southeast corner of the property abutting West Fulton Street and Bishop Place West. There is an additional approximate eight foot change in elevation to the street. The property also contains steep slopes between the two existing parcels abutting West Barrett Street (proposed Parcels A and F) with approximately 16' of slope between the two properties. The site is designated a steep slope environmentally critical area with the portion over 40% occurring along the south east property line abutting West Fulton and Bishop Place West and in the north portion of the site between proposed Parcels A and F.

### **Area Development**

The surrounding property is developed with single family residences that are also zoned Single-Family Residential 5000 (SF 5000).

### **Proposal Description**

The applicant proposes to short subdivide two parcels of land into six parcels of land in a steep slope environmentally critical area. Proposed parcel areas are: Parcel A) 5,563 sq. ft., Parcel B) 5,264 sq. ft., Parcel C) 6,147 sq. ft., D) 5,036 sq. ft., Parcel E) 5,151 sq. ft.; and Parcel F) 6082 sq. ft. \*The single-family residence on proposed Parcel F will remain and the single family residence straddling proposed Parcels B, D and C will be removed.

\*The western portion of the line between Parcels F and E has been altered by moving it slightly to the south to create a conforming rear yard area for the existing residence located on parcel F. Parcel F will now contain 6,233 sq. ft. and Parcel E will contain 5,000 sq. ft. Proposed changes will be shown on the final survey prior to recording.

### **Public Comments**

The public comment period for the proposed project was extended and ended on March 12, 2003. The project was then revised on April 1, 2004 with the comment period again being extended and ending on April 28, 2004. Several comment letters were received during the initial comment period ending March 12, 2003 and one was received during the comment period associated with the revised short plat. The concerns included increased density, size of residences, types of homes (attached versus detached), height of the proposed structures, increased traffic, "over use" of the alley, limited parking available in the area, drainage, and erosion.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

*1. Conformance to the applicable Land Use Code provisions;*

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone. The lot configurations provide adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

*2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

Proposed Parcels A and F will have adequate vehicle and utility access from West Barrett Street. Proposed Parcels B and E will access from the alley on the west and Parcels C and D will access the site from West Fulton Street on the west side of the site. The alley has been changed to a one way northbound access after the original four lot short plat was accepted by DPD. No access is proposed or is granted from West Fulton Street or Bishop Place on the south east side of proposed Parcel C. Any future access proposed from West Fulton Street or Bishop Place West on the south east side of Proposed Parcel C will require prior approval from DPD. A condition regarding this requirement will be added to the end of this document. The Seattle Fire Department provides emergency vehicle access to the site. Seattle City Light provides electrical service to the subject property, any required easements will be provided on the face of the plat prior to recording of the short plat.

*3. Adequacy of drainage, water supply, and sanitary sewage disposal;*

An 8-inch public sanitary sewer (PSS) in West Fulton Street is available to all proposed parcels for sanitary discharge with adequate easements. This sewer also runs under private property to the west and south of the proposed short plat, but is available only with easements from those properties. A public combined sewer (PS) in West Fulton Street is also available for sanitary discharge from all proposed parcels with adequate easements.

A 12-inch public storm drain (PSD) runs beneath proposed Parcels A and B: new construction on these parcels will require the approval of Seattle Public Utilities, which may require relocation of the PSD or replacement of the PSD with ductile iron pipe.

The 12-inch PSD is available for stormwater discharge from proposed Parcels A, B and C. The topography of the site is such that it is likely that new construction on proposed Parcel D will need to discharge stormwater runoff via detention to the PS in West Fulton Street.

Seattle Public Utilities reviewed the short subdivision application and approved a Water Availability Certificate, No. 2004-0294, on March 19, 2004. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with the SF 5000 zone Seattle Land Use Code provisions. This proposal meets this criterion due to the fact that additional housing will be provided within the City limits as a result of the subdivision of the parcel and construction of ground related housing.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The site is mapped as an Environmentally Critical Area. A limited exemption was granted based on the submitted information which shows that the steep slopes at the subject site are not more than 20 feet in height and are not part of a larger steep slope system. The ECA Steep Slope Development standards are waived. The ECA Submittal, General and Landslide-Hazard and other applicable development standards still apply for the project.

Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and Environmentally Critical Areas Ordinance. Any shoring and excavation between proposed Parcels A and F is required to be reviewed and approved by DPD prior to the issuance of a building permit on proposed Parcel A. Proposed Parcel C will have access from West Fulton Street (on the west side of the short plat proposal) via an access easement over proposed Parcel D. Access will not be allowed via West Fulton Street or Bishop Place West on the south east side of proposed Parcel C without further review and approval by DPD. Therefore, this proposed short subdivision is in conformance with applicable City of Seattle Regulations for Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees;*

The design of the plat will allow for retention of trees on the site where possible. The existing mature Beech tree within proposed Parcel D will likely not be able to be saved. The applicant must note on the face of the plat that all future construction must comply with the tree regulations of SMC 23.44.008I.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

*construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this short subdivision.

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of the report.

## **ANALYSIS - SEPA**

The proposal site is located in a Steep Slope Environmentally Critical Area, thus the short subdivision is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated February 3, 2003 and revised on April 26, 2004, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Areas, which are subject to additional environmental review to determine impacts and to provide further mitigation beyond the development standards required by all City codes. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short - Term Impacts**

The following temporary impacts are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Drainage and Grading Code (temporary soil erosion); and 3) Regulations for Environmentally Critical Areas. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a landslide-prone environmentally critical area. Therefore, additional discussion of earth/soils impacts is warranted.

### Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Dennis M. Bruce, P.E. dated September 24, 2002 and updated information dated October 7, 2003. The report evaluates the soil and site conditions and provides recommendations for future construction. Additional information regarding the shoring and excavation between proposed Parcels A and F will be required prior to the issuance of a building permit on proposed Parcel A and will be required as a condition at the end of this document.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long - Term Impacts

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); and the Regulations for Environmentally Critical Areas. There are no long-term significant impacts on the critical areas resources from the proposed short subdivision.

### Summary

The City's adopted codes and/or ordinances will adequately provide mitigation for the short-term and long-term impacts as discussed above. Additional mitigation pursuant to SEPA conditioning authority is provided within the conditions at the end of this document.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance: This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance: This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**

None.

### **CONDITIONS - SHORT SUBDIVISION**

The owner(s) and responsible party(s) shall:

#### **Prior to Recording**

#### **Conditions of Approval Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Include the following on the face of the plat: "Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008.I.Tree Requirements. All future construction is subject to the applicable code provisions of SMC 25.09, Tree Protection. All trees shall remain on site until such time that building permit is approved and issued which allows for removal of trees on site."
3. Add to the face of the plat the language to grant the Seattle City Light easement.
4. A joint use and maintenance agreement for access easements must be provided with the final recording documents.

5. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page \_\_\_\_ of \_\_\_\_."
6. Submit the recording fee and final recording forms for approval.

Non Appealable Condition Prior to Recording

7. The surveyor must adjust the line between parcel F and Parcel E to create a conforming rear yard area for the existing residence located on Parcel F.

Prior to Issuance of a Building Permit

8. Any shoring and excavation between parcels A and F must be reviewed and approved prior to the issuance of a building permit on Parcel A.
9. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

For the Life of the Short Plat

10. Access shall not be provided off of Bishop Place West or West Fulton Street on the south east portion of Parcel C without review and approval by DPD.

Signature: \_\_\_\_\_ (signature on file) Date: May 13, 2004  
Lori Swallow, Land Use Planner  
Department of Planning and Development

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